

# FAX

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SEP 20 2005

**ATTN.** Cam Linh T. Nguyen

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**FROM** Volel Emile, Esq.

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**SUBJECT** Response to Non-Compliant Appeal Brief

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**Number of Pages** 39

**Date** 9/20/2005

**MESSAGE**

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This fax transmission includes:

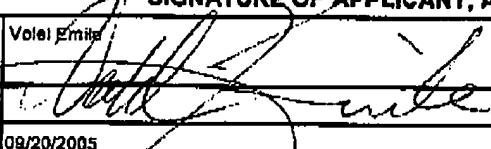
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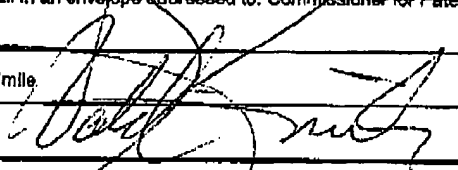
PTO/SB/21 (02-04)  
Approved for use through 07/31/2006. OMB 0851-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/099,777
	Filing Date	03/14/2002
	First Named Inventor	Brown et al.
	Art Unit	2171
	Examiner Name	Corn Linh T. Nguyen
	Attorney Docket Number	AUS920010886US1
Total Number of Pages in This Submission		

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ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): _____
Remarks One month extension of time to file a Response to a Non-Compliant Appeal Brief Action.		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Volei Emile	
Signature		
Date	09/20/2005	

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Typed or printed name	Volei Emile	
Signature		Date 09/20/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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SEP 20 2005

PTO/SB/H7 (12-04v2)

Approved for use through 07/31/2008. OMB 0651-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**  
**For FY 2005**☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 120.00

**Complete if Known**

Application Number	10/099,777
Filing Date	03/14/2002
First Named Inventor	William B. Brown
Examiner Name	Cam Linh T. Nguyen
Art Unit	2171
Attorney Docket No.	AUS920010866US1

**METHOD OF PAYMENT (check all that apply)**☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_☐ Deposit Account Deposit Account Number: \_\_\_\_\_ Deposit Account Name: \_\_\_\_\_

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☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
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**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES****Fee Description**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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- 20 or HP =	x	=	
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HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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- 3 or HP =	x	=	
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HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
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- 100 =	/ 50 =	(round up to a whole number) x	=	
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**4. OTHER FEE(S)**Non-English Specification, \$140 fee (no small entity discount) Fees Paid (\$)Other (e.g., late filing surcharge): One Month Extension of Time Fee. 120.00**SUBMITTED BY**

Signature	Registration No. 39,969	Telephone 512 306 7969
Name (Print/Type) Volei Emile	(Attorney/Agent)	Date 09/20/2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Appl. No. 10/099,777  
Substitute Appeal Brief dated 09/20/2005  
Reply to Office Action of 07/28/2005

SEP 20 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Application of: :  
Brown et al. :  
Serial No: 10/099,777 : Before the Examiner:  
 : Cam Linh T Nguyen  
Filed: 03/14/2002 : Group Art Unit: 2171  
Title: APPARATUS AND METHOD : Confirmation No.: 4836  
OF EXPORTING FILE SYSTEMS :  
WITHOUT FIRST MOUNTING THE :  
FILE SYSTEMS :

TRANSMITTAL OF APPELLANTS' RESPONSE OF NON-COMPLIANT APPEAL  
BRIEF UNDER 37 C.F.R. 41.37

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attached is Appellants' Response to a Notification of Non-compliant Appeal Brief dated 07/28/2005. The Response is in triplicate.

The item(s) marked below is (are) appropriate:

1.   X   A fee for a one-month extension of term for reply to the Notification of Non-compliance Appeal Brief is attached thereto.
2.        Appeal fee  
       other than a small entity.
3.        Payment  
       Please charge Deposit Account 09-0447 the sum of \$500.00. A duplicate of this notice is attached.

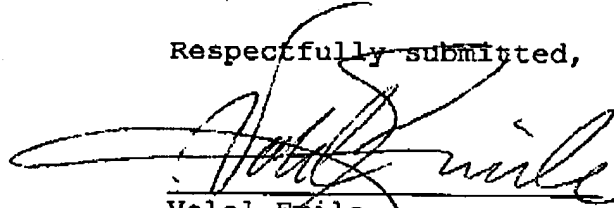
AUS920010866US1

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Substitute Appeal Brief dated 09/20/2005  
Reply to Office Action of 07/28/2005

The Commissioner is hereby authorized to charge any additional fee, which may be required or credit any overpayment to Deposit Account No. 09-0447.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Volel Emile", is written over a horizontal line.

Volel Emile  
Attorney for Applicants  
Registration No. 39,969  
(512) 306-7969

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**SEP 20 2005**

Appl. No. 10/099,777  
Substitute Appeal Brief dated 09/20/2005  
Reply to Office Action of 07/28/2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Application of: :  
Brown et al. :  
Serial No: 10/099,777 : Before the Examiner:  
 : Cam Linh T Nguyen  
Filed: 03/14/2002 : Group Art Unit: 2171  
 :  
Title: APPARATUS AND METHOD : Confirmation No.: 4836  
OF EXPORTING FILE SYSTEMS :  
WITHOUT FIRST MOUNTING THE :  
FILE SYSTEMS :

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF  
UNDER 37 C.F.R. 41.37**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This substitute Appeal Brief is being submitted in  
response to the NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF  
of July 28, 2005.

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Substitute Appeal Brief dated 09/20/2005  
Reply to Office Action of 07/28/2005

BRIEF FOR APPLICANTS - APPELLANTS

(1)

Real Party in Interest

The real party in interest is International Business Machines Corporation (IBM), the assignee.

(2)

Related Appeals and Interferences

There are no other appeals or interferences known to appellants, appellants' representative or assignee, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3)

Status of Claims

Claims 1 - 20 have been finally rejected. This appeal involves all the rejected claims.

(4)

Status of Amendment

A Response to the first Office Action, in which the independent claims (Claims 1, 6, 11 and 16) were amended, was filed on December 13, 2004. The Amendment was entered; however, the Examiner did not find Applicants' arguments to be persuasive and issued a Final Office Action on March 8, 2005.

(5)

Summary of the Invention

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Substitute Appeal Brief dated 09/20/2005  
Reply to Office Action of 07/28/2005

The present invention provides a method of exporting file systems. According to the invention, a file in which all information needed to mount file systems at a particular mount point is associated with the mount point (see page 14, lines 22 - 24 and page 15, lines 18 - 20). Thus, when a file is to be exported, the file is consulted to retrieve the information needed to mount the file system. Once the information is retrieved, the file is exported (see page 15, lines 21 - 25 and page 16, lines 9 - 12 as well as originally filed Fig. 8).

(6)

Issues

**Whether claims 1 - 20 were properly rejected under 102(a) as being anticipated by Vahalia et al.**

(7)

Grouping of Claims

The rejected claims stand or fall together.

(8)

Argument

In considering a Section 102 rejection, all the elements of the claimed invention must be disclosed in a single item of prior art in the form literally defined in the claim. *Jamesbury Corp. v. Litton Indus. Products*, 756 F.2d 1556, 225 USPQ 253 (Fed. Cir. 1985); *Atlas Powder Co. v. Dupont*, 750 F.2d 1569, 224 USPQ 409 (Fed. Cir. 1984); *American Hospital Supply v. Travenol Labs.*, 745 F.2d 1, 223 USPQ 577 (Fed. Cir. 1984). *Russell-Falla et al.*, the

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reference used to reject the independent claims, does not disclose all the elements of the claims.

Vahalia et al. purport to teach a method of: (1) providing NFS clients with read/write access to read from and write into file systems; and (2) performing failure recovery of a failed server.

In the method of providing NFS clients with read/write access to read from and write into file systems, each file system is assigned to a particular server in a network of servers. Any server in the network may receive a file access request from any NFS client. If the file system that is to be accessed is assigned to the server that receives the request, that server will provide the access. But, if the file system that is to be accessed is not assigned to the server that receives the request, the server will forward the request to the server to which the file system is assigned.

This scheme obviates the need to provide coherency since only the server to which the file is assigned will allow changes to any file in the file system and will presumably permit only one client to make changes to the files in the file system at a time. Further, the scheme provides a certain level of load balancing as only a server to which a file system is assigned will process the request and presumably access requests will be sent to different file systems assigned to different servers in the network.

To determine to which one of the servers the file system is assigned, a file that contains file system/computer assignment information is consulted.

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In the method of performing failure recovery of a failed server, one of the servers monitors the rest of the servers to detect failures. When a failure of a server is detected, the file systems that were assigned to that failed server are re-assigned to an operational server. Thus, requests can always be processed.

Since to export a file system is to make the file system available for NFS clients to mount (an NFS client can only mount a file system after the file system has been exported to it) and since the NFS clients disclosed by Vahalia et al. are requesting access to a file system (an NFS client cannot request access to a file system unless and until the file system is mounted on the client), **Vahalia et al. do not teach, show or suggest a method of exporting file systems** as stated by the examiner.

Put differently, in order for an NFS client to request access to a file system, the file system must have already been mounted on the NFS client, which means that the file system must have already been exported to the NFS client. The disclosure of Vahalia et al. does not discuss file system exportation but delves straight into file systems access request grants.

The Examiner cited different passages in col. 13 of the disclosure of Vahalia et al. to support the rejection. However, the cited passages merely explain the disclosed method.

Firstly, it is well known that NFS files are indexed in a file directory that may be said to be organized as a tree, and each file system may be identified by a node in

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Substitute Appeal Brief dated 09/20/2005  
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the tree. It is further well known that files are mounted to the "tree" at specific points called "mount points".

Vahalia et al. disclose in col. 13, lines 19 - 22 that each computer has (1) a directory of the file systems; (2) a database of the mount points for the file systems and (3) the computer to which each read-write file system is assigned.

Vahalia et al. further disclose in col. 13, line 40 to col. 14, line 15 that item 3 above allows a computer which receives a request to access a file system from an NFS client to check to see whether the file system is assigned to it or to another computer (see specifically col. 13, lines 22 - 26). If the file system is assigned to another computer, then the computer that receives the request may forward the request to the other computer. If the file system is assigned to the computer that receives the request, then it needs to know whether the file system is remote or not. As it is defined in the reference, a remote file system is a file system that has to be mounted on another file system (see specifically col. 13, lines 52 - 55 and col. 17, lines 15 - 32). To determine whether the file system is remote, the name (i.e., pathname) of the file that is to be accessed in the file system is parsed. If a mount point is reached as indicated by the list of mount points in the database in (2), then it is remote. If the file system to be accessed is remote, then a request to mount it at the proper mount point will be issued to the computer that has the file system to which it (the file system that is to be accessed) is to be mounted. If the file system is not remote, then before granting the request

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Reply to Office Action of 07/28/2005

the computer that receives the request will make sure that the file system to be accessed was exported to the NFS client that is issued the file access request (after all, if the file system was not exported to the client requesting access then the request must be in error since that client should not even know of the file system).

Thus, in column 13, which was extensively cited by the Examiner as support for the rejection, Vahalia et al. merely explain a specific implementation of their method. However, nowhere in that implementation is there disclosed the claimed invention.

In other words, Vahalia et al. do not teach, show or suggest **consulting a file associated with a mount point of a mounted file system to retrieve information needed to export file systems** that are to be mounted at that mount point as claimed.

Therefore, Applicants submit that the claims in the Application should be allowable. Hence, Applicants respectfully request allowance and passage to issue of the claims in the application.

Respectfully submitted,

By: 

Volel Emile  
Attorney for Applicants  
Registration No. 39,969  
(512) 306-7869

AUS920010866US1

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Substitute Appeal Brief dated 09/20/2005  
Reply to Office Action of 07/28/2005

#### Appendix

1. (Previously presented) A method of exporting file systems comprising the steps of:

consulting a file associated with a mount point of a mounted file system to retrieve needed information to export the file systems, the mount point being the point at which the file systems are mounted on a computer system; and

exporting the file systems.

2. (Original) The method of Claim 1 wherein the needed information is names of devices within which the file systems are located.
3. (Original) The method of Claim 2 wherein the file systems are exported without first being mounted.
4. (Original) The method of Claim 3 wherein the file is an extended attribute file.
5. (Original) The method of Claim 4 wherein each mount point has an extended attribute file.
6. (Previously presented) A computer program product on a computer readable medium for exporting file systems comprising:

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Reply to Office Action of 07/28/2005

code means for consulting a file associated with a mount point of a mounted file system to retrieve needed information to export the file systems, the mount point being the point at which the file systems are mounted on a computer system; and

code means for exporting the file systems.

7. (Original) The computer program product of Claim 6 wherein the needed information is names of devices within which the file systems are located.
8. (Original) The computer program product of Claim 7 wherein the file systems are exported without first being mounted.
9. (Original) The computer program product of Claim 8 wherein the file is an extended attribute file.
10. (Original) The computer program product of Claim 9 wherein each mount point has an extended attribute file.
11. (Previously presented) An apparatus for exporting file systems comprising:

means for consulting a file associated with a mount point of a mounted file system to retrieve needed information to export the file systems, the mount

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point being the point at which the file systems are mounted on a computer system; and

means for exporting the file systems.

12. (Original) The apparatus of Claim 11 wherein the needed information is names of devices within which the file systems are located.
13. (Original) The apparatus of Claim 12 wherein the file systems are exported without first being mounted.
14. (Original) The apparatus of Claim 13 wherein the file is an extended attribute file.
15. (Original) The apparatus of Claim 14 wherein each mount point has an extended attribute file.
16. (Previously presented) A computer system for exporting file systems comprising:

at least one storage device for storing code data; and

at least one processor for processing the code data to consult a file associated with a mount point of a mounted file system to retrieve needed information to export the file systems, the mount point being the point at which the file systems are mounted on a the computer system, and to export the file systems.

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17. (Original) The computer system of Claim 16 wherein the needed information is names of devices within which the file systems are located.
18. (Original) The computer system of Claim 17 wherein the file systems are exported without first being mounted.
19. (Original) The computer system of Claim 16 wherein the file is an extended attribute file.
20. (Original) The computer system of Claim 19 wherein each mount point has an extended attribute file.

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: Before the Examiner:  
Serial No: 10/099,777 : Cam Linh T Nguyen  
: Group Art Unit: 2171  
Filed: 03/14/2002 : Confirmation No.: 4836  
Title: APPARATUS AND METHOD :  
OF EXPORTING FILE SYSTEMS :  
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**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF  
UNDER 37 C.F.R. 41.37**

Commissioner for Patents  
P.O. Box 1450  
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Sir:

This substitute Appeal Brief is being submitted in response to the NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF of July 28, 2005.

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BRIEF FOR APPLICANTS - APPELLANTS

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Related Appeals and Interferences

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AUS920010866US1

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Issues

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Grouping of Claims

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This scheme obviates the need to provide coherency since only the server to which the file is assigned will allow changes to any file in the file system and will presumably permit only one client to make changes to the files in the file system at a time. Further, the scheme provides a certain level of load balancing as only a server to which a file system is assigned will process the request and presumably access requests will be sent to different file systems assigned to different servers in the network.

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In the method of performing failure recovery of a failed server, one of the servers monitors the rest of the servers to detect failures. When a failure of a server is detected, the file systems that were assigned to that failed server are re-assigned to an operational server. Thus, requests can always be processed.

Since to export a file system is to make the file system available for NFS clients to mount (an NFS client can only mount a file system after the file system has been exported to it) and since the NFS clients disclosed by Vahalia et al. are requesting access to a file system (an NFS client cannot request access to a file system unless and until the file system is mounted on the client), **Vahalia et al. do not teach, show or suggest a method of exporting file systems** as stated by the examiner.

Put differently, in order for an NFS client to request access to a file system, the file system must have already been mounted on the NFS client, which means that the file system must have already been exported to the NFS client. The disclosure of Vahalia et al. does not discuss file system exportation but delves straight into file systems access request grants.

The Examiner cited different passages in col. 13 of the disclosure of Vahalia et al. to support the rejection. However, the cited passages merely explain the disclosed method.

Firstly, it is well known that NFS files are indexed in a file directory that may be said to be organized as a tree, and each file system may be identified by a node in

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the tree. It is further well known that files are mounted to the "tree" at specific points called "mount points".

Vahalia et al. disclose in col. 13, lines 19 - 22 that each computer has (1) a directory of the file systems; (2) a database of the mount points for the file systems and (3) the computer to which each read-write file system is assigned.

Vahalia et al. further disclose in col. 13, line 40 to col. 14, line 15 that item 3 above allows a computer which receives a request to access a file system from an NFS client to check to see whether the file system is assigned to it or to another computer (see specifically col. 13, lines 22 - 26). If the file system is assigned to another computer, then the computer that receives the request may forward the request to the other computer. If the file system is assigned to the computer that receives the request, then it needs to know whether the file system is remote or not. As it is defined in the reference, a remote file system is a file system that has to be mounted on another file system (see specifically col. 13, lines 52 - 55 and col. 17, lines 15 - 32). To determine whether the file system is remote, the name (i.e., pathname) of the file that is to be accessed in the file system is parsed. If a mount point is reached as indicated by the list of mount points in the database in (2), then it is remote. If the file system to be accessed is remote, then a request to mount it at the proper mount point will be issued to the computer that has the file system to which it (the file system that is to be accessed) is to be mounted. If the file system is not remote, then before granting the request

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the computer that receives the request will make sure that the file system to be accessed was exported to the NFS client that is issued the file access request (after all, if the file system was not exported to the client requesting access then the request must be in error since that client should not even know of the file system).

Thus, in column 13, which was extensively cited by the Examiner as support for the rejection, Vahalia et al. merely explain a specific implementation of their method. However, nowhere in that implementation is there disclosed the claimed invention.

In other words, Vahalia et al. do not teach, show or suggest **consulting a file associated with a mount point of a mounted file system to retrieve information needed to export file systems** that are to be mounted at that mount point as claimed.

Therefore, Applicants submit that the claims in the Application should be allowable. Hence, Applicants respectfully request allowance and passage to issue of the claims in the application.

Respectfully submitted,

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Appendix

1. (Previously presented) A method of exporting file systems comprising the steps of:

consulting a file associated with a mount point of a mounted file system to retrieve needed information to export the file systems, the mount point being the point at which the file systems are mounted on a computer system; and

exporting the file systems.

2. (Original) The method of Claim 1 wherein the needed information is names of devices within which the file systems are located.
3. (Original) The method of Claim 2 wherein the file systems are exported without first being mounted.
4. (Original) The method of Claim 3 wherein the file is an extended attribute file.
5. (Original) The method of Claim 4 wherein each mount point has an extended attribute file.
6. (Previously presented) A computer program product on a computer readable medium for exporting file systems comprising:

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code means for consulting a file associated with a mount point of a mounted file system to retrieve needed information to export the file systems, the mount point being the point at which the file systems are mounted on a computer system; and

code means for exporting the file systems.

7. (Original) The computer program product of Claim 6 wherein the needed information is names of devices within which the file systems are located.
8. (Original) The computer program product of Claim 7 wherein the file systems are exported without first being mounted.
9. (Original) The computer program product of Claim 8 wherein the file is an extended attribute file.
10. (Original) The computer program product of Claim 9 wherein each mount point has an extended attribute file.
11. (Previously presented) An apparatus for exporting file systems comprising:

means for consulting a file associated with a mount point of a mounted file system to retrieve needed information to export the file systems, the mount

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point being the point at which the file systems are mounted on a computer system; and

means for exporting the file systems.

12. (Original) The apparatus of Claim 11 wherein the needed information is names of devices within which the file systems are located.
13. (Original) The apparatus of Claim 12 wherein the file systems are exported without first being mounted.
14. (Original) The apparatus of Claim 13 wherein the file is an extended attribute file.
15. (Original) The apparatus of Claim 14 wherein each mount point has an extended attribute file.
16. (Previously presented) A computer system for exporting file systems comprising:

at least one storage device for storing code data; and

at least one processor for processing the code data to consult a file associated with a mount point of a mounted file system to retrieve needed information to export the file systems, the mount point being the point at which the file systems are mounted on a the computer system, and to export the file systems.

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17. (Original) The computer system of Claim 16 wherein the needed information is names of devices within which the file systems are located.
18. (Original) The computer system of Claim 17 wherein the file systems are exported without first being mounted.
19. (Original) The computer system of Claim 16 wherein the file is an extended attribute file.
20. (Original) The computer system of Claim 19 wherein each mount point has an extended attribute file.

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SEP 20 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Application of:	:
Brown et al.	:
	: Before the Examiner:
Serial No: 10/099,777	: Cam Linh T Nguyen
	:
Filed: 03/14/2002	: Group Art Unit: 2171
	:
Title: APPARATUS AND METHOD	: Confirmation No.: 4836
OF EXPORTING FILE SYSTEMS	:
WITHOUT FIRST MOUNTING THE	:
FILE SYSTEMS	:

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF  
UNDER 37 C.F.R. 41.37**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This substitute Appeal Brief is being submitted in response to the NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF of July 28, 2005.

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BRIEF FOR APPLICANTS - APPELLANTS

(1)

Real Party in Interest

The real party in interest is International Business Machines Corporation (IBM), the assignee.

(2)

Related Appeals and Interferences

There are no other appeals or interferences known to appellants, appellants' representative or assignee, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3)

Status of Claims

Claims 1 - 20 have been finally rejected. This appeal involves all the rejected claims.

(4)

Status of Amendment

A Response to the first Office Action, in which the independent claims (Claims 1, 6, 11 and 16) were amended, was filed on December 13, 2004. The Amendment was entered; however, the Examiner did not find Applicants' arguments to be persuasive and issued a Final Office Action on March 8, 2005.

(5)

Summary of the Invention

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The present invention provides a method of exporting file systems. According to the invention, a file in which all information needed to mount file systems at a particular mount point is associated with the mount point (see page 14, lines 22 - 24 and page 15, lines 18 - 20). Thus, when a file is to be exported, the file is consulted to retrieve the information needed to mount the file system. Once the information is retrieved, the file is exported (see page 15, lines 21 - 25 and page 16, lines 9 - 12 as well as originally filed Fig. 8).

(6)

Issues

Whether claims 1 - 20 were properly rejected under 102(a) as being anticipated by Vahalia et al.

(7)

Grouping of Claims

The rejected claims stand or fall together.

(8)

Argument

In considering a Section 102 rejection, all the elements of the claimed invention must be disclosed in a single item of prior art in the form literally defined in the claim. *Jamesbury Corp. v. Litton Indus. Products*, 756 F.2d 1556, 225 USPQ 253 (Fed. Cir. 1985); *Atlas Powder Co. v. Dupont*, 750 F.2d 1569, 224 USPQ 409 (Fed. Cir. 1984); *American Hospital Supply v. Travenol Labs.*, 745 F.2d 1, 223 USPQ 577 (Fed. Cir. 1984). Russell-Falla et al., the

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reference used to reject the independent claims, does not disclose all the elements of the claims.

Vahalia et al. purport to teach a method of: (1) providing NFS clients with read/write access to read from and write into file systems; and (2) performing failure recovery of a failed server.

In the method of providing NFS clients with read/write access to read from and write into file systems, each file system is assigned to a particular server in a network of servers. Any server in the network may receive a file access request from any NFS client. If the file system that is to be accessed is assigned to the server that receives the request, that server will provide the access. But, if the file system that is to be accessed is not assigned to the server that receives the request, the server will forward the request to the server to which the file system is assigned.

This scheme obviates the need to provide coherency since only the server to which the file is assigned will allow changes to any file in the file system and will presumably permit only one client to make changes to the files in the file system at a time. Further, the scheme provides a certain level of load balancing as only a server to which a file system is assigned will process the request and presumably access requests will be sent to different file systems assigned to different servers in the network.

To determine to which one of the servers the file system is assigned, a file that contains file system/computer assignment information is consulted.

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In the method of performing failure recovery of a failed server, one of the servers monitors the rest of the servers to detect failures. When a failure of a server is detected, the file systems that were assigned to that failed server are re-assigned to an operational server. Thus, requests can always be processed.

Since to export a file system is to make the file system available for NFS clients to mount (an NFS client can only mount a file system after the file system has been exported to it) and since the NFS clients disclosed by Vahalia et al. are requesting access to a file system (an NFS client cannot request access to a file system unless and until the file system is mounted on the client), **Vahalia et al. do not teach, show or suggest a method of exporting file systems** as stated by the examiner.

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Thus, in column 13, which was extensively cited by the Examiner as support for the rejection, Vahalia et al. merely explain a specific implementation of their method. However, nowhere in that implementation is there disclosed the claimed invention.

In other words, Vahalia et al. do not teach, show or suggest **consulting a file associated with a mount point of a mounted file system to retrieve information needed to export file systems** that are to be mounted at that mount point as claimed.

Therefore, Applicants submit that the claims in the Application should be allowable. Hence, Applicants respectfully request allowance and passage to issue of the claims in the application.

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Appendix

1. (Previously presented) A method of exporting file systems comprising the steps of:

consulting a file associated with a mount point of a mounted file system to retrieve needed information to export the file systems, the mount point being the point at which the file systems are mounted on a computer system; and

exporting the file systems.

2. (Original) The method of Claim 1 wherein the needed information is names of devices within which the file systems are located.
3. (Original) The method of Claim 2 wherein the file systems are exported without first being mounted.
4. (Original) The method of Claim 3 wherein the file is an extended attribute file.
5. (Original) The method of Claim 4 wherein each mount point has an extended attribute file.
6. (Previously presented) A computer program product on a computer readable medium for exporting file systems comprising:

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code means for consulting a file associated with a mount point of a mounted file system to retrieve needed information to export the file systems, the mount point being the point at which the file systems are mounted on a computer system; and

code means for exporting the file systems.

7. (Original) The computer program product of Claim 6 wherein the needed information is names of devices within which the file systems are located.
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10. (Original) The computer program product of Claim 9 wherein each mount point has an extended attribute file.
11. (Previously presented) An apparatus for exporting file systems comprising:

means for consulting a file associated with a mount point of a mounted file system to retrieve needed information to export the file systems, the mount

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point being the point at which the file systems are mounted on a computer system; and

means for exporting the file systems.

12. (Original) The apparatus of Claim 11 wherein the needed information is names of devices within which the file systems are located.

13. (Original) The apparatus of Claim 12 wherein the file systems are exported without first being mounted.

14. (Original) The apparatus of Claim 13 wherein the file is an extended attribute file.

15. (Original) The apparatus of Claim 14 wherein each mount point has an extended attribute file.

16. (Previously presented) A computer system for exporting file systems comprising:

at least one storage device for storing code data; and

at least one processor for processing the code data to consult a file associated with a mount point of a mounted file system to retrieve needed information to export the file systems, the mount point being the point at which the file systems are mounted on a the computer system, and to export the file systems.

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